

REMARKS

The Examiner is thanked for the careful examination of the application.

However, in view of the remarks that follow, the Examiner is respectfully requested to withdraw the outstanding rejections.

Art Rejections:

Claims 1-7, 9-15, 17, and 19-23 have been rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,738,519, hereinafter Nishiwaki.

Specifically, claim 1 defines an image processing device that includes, among other elements, a conversion unit for converting character images to character code data according to character codes. The device further includes a judgment unit that obtains a degree of character continuity, and which makes a judgment on whether, **based on the degree of character continuity**, the character image should be represented by character code data or should be represented by image data. In other words, the image processing device of claim 1 answers the question: "**Is it a character or is it an image?**" based on the degree of character continuity. It then makes a judgment as to whether the image should be represented by character code data or image data, based on the degree of character continuity.

In contrast to claim 1, the teachings of Nishiwaki are fundamentally different. Nishikawa does not teach the judgment unit recited in claim 1. According to Nishiwaki, an assumption is made that the subject image is a character, and Nishiwaki attempts to determine what kind of character it is. Nishiwaki does **not** make a judgment as to whether or not to represent an image by either character code data or image data. Nishiwaki **assumes** that the subject image is **always** a character, and processes the data to determine which character it is.

Nishiwaki considers character contiguity. However, this consideration is made for the purpose of segmenting the characters (column 8, lines 55-59), not for determining whether an image should be represented by character code or image data. Nishiwaki uses known character recognition technology to determine whether the image can be recognized as a character and thus represented by character code. See column 9, lines 16-32. Nishiwaki does not make this determination based on the degree of character continuity.

Accordingly, Nishiwaki does not include the combination of claim 1 that includes among other elements, a judgment unit that makes a judgment, based on the degree of character continuity, whether the character image should be represented by character code data or by image data.

Accordingly, claim 1 is clearly patentable over Nishiwaki.

Claims 2-7 and 19 depend from claim 1, and are thus also patentable over Nishiwaki at least for the reasons set forth above with respect to claim 1.

Claim 9 defines a program product on a computer readable medium for image processing. The program product causes a computer to execute a process that includes among other elements, the step of making a judgment on whether, **based on the degree of character continuity**, the character image should be represented by character code data or it should be represented by image data. Accordingly, claim 9, and dependent claims 10-15 and 20, which depend from claim 9, are also patentable over Nishiwaki at least for the reasons set forth above with respect to claim 1.

Claim 17 defines an image processing system that also includes a judgment unit which makes a judgment on whether, **based on the degree of character**

continuity, the character image should be represented by character code data or should be represented by image data. Accordingly, claim 17, and dependent claim 21, are also patentable over Nishiwaki at least for the reasons set forth above.

The Official Action rejects claims 22-23 as being method versions of claim 1. However, Applicant submits that the elements of claims 22-23 are different than those of claim 1. Applicant respectfully requests that the Examiner explain the basis for the rejection of claims 22-23 or else withdraw the rejection. Applicant submits that the combinations of claims 22-23, which include generating character image data of the character image from the original image data, are not taught by Nishiwaki.

Accordingly, in view of the foregoing amendments and remarks that follow, the rejection of claims 1-7, 9-15, 17, and 19-23 based on Nishiwaki should be withdrawn.

Claim 22 has also been rejected under 35 USC 102(b) as being unpatentable over U.S. Patent No. 5,881,168, hereinafter Takaoka. The Examiner alleges that the second step of claim 22, i.e., generating character image data of the character image from the original image data, is taught at column 34, lines 34-35. However, that section of Takaoka, discloses **extracting** a character image from the original image. It does not disclose **generating** character image data. Accordingly, claim 22 is also patentable over Takaoka.

Claims 8, 16, and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nishiwaki in view of U.S. Patent No. 6,341,176, hereinafter Shirasaki. The Examiner relies upon Shirasaki only for its alleged teaching of calling for a file generating unit that generates an electronic file containing character code

data. However, the portions of Shirasaki relied upon by the Examiner do not overcome the deficiency of Nishiwaki. Accordingly, the rejection of claims 8, 16, and 18, which depend from claims 1, 9, and 17, should be withdrawn, at least for the reasons set forth above with respect to claims 1, 9, and 17.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: May 16, 2005

By: William Rowland

William C. Rowland

Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620